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June 30, 2006

ELECTRONICALLY FILED

Ms. Marlene H. Dortch Secretary Federal Communications Commission 445 Twelfth Street, S.W. Washington, DC 20554

Re: MB Docket No. 03-15

Request for Waiver of July 1, 2006 Deadline KCSM-DT, San Mateo, CA, Facility ID 58912

Dear Secretary Dortch:

On behalf of San Mateo Community College District (the "Community College"), licensee of noncommercial educational station KCSM-TV/DT, San Mateo, California, Facility ID 58912, we hereby respectfully request a waiver of the July 1, 2006 interference protection deadline. As demonstrated below, KCSM-DT is fully constructed and licensed; however, it is being required to temporarily operate at reduced power while the owner of the broadcast tower on which the broadcast facilities of KCSM-DT and dozens of other broadcast stations are located reconfigures the placement of certain antennas in order to avoid interference among the stations.

¹ See Second Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television, Report and Order, 19 FCC Rcd 18279, ¶ 78 (2004) (the "Second Periodic Review R&O") (requiring NCE and other DTV licensees to meet certain construction and operation levels by July 1, 2006, in order to preserve interference protection).

KCSM-DT Is Fully Constructed and Licensed. The Commission initially granted the Community College a digital construction permit on Channel 59.² The Commission later granted the Community College's Petition for Rule Making, which requested the substitution of DTV Channel 43 for KCSM-TV's assigned DTV Channel 59.³ The Community College then filed an application to construct on DTV Channel 43, which the Commission granted.⁴ Following the construction of its DTV facilities, the Community College filed a license-to-cover application, which the Commission granted in 2003.⁵ The Community College has operated KCSM-DT at full power since 2003, until it was required to temporarily reduce the station's power, as explained below.⁶

Tower Owner Has Required KCSM-DT to Temporarily Reduce Power. KCSM-DT is one of approximately 37 broadcast stations whose facilities are located on one tower on Mt. Sutro, in San Francisco, California. The owner and manager of the tower is Sutro Tower, Inc. ("Sutro"). Under its tower lease agreement with Sutro, KCSM-DT is required to temporarily reduce power if certain senior DTV lessees on the tower maximize their power and the simultaneous operations of one of the senior lessee's maximized facilities and KCSM-DT's licensed facilities would result in interference to the senior lessee's operation.

In late January 2006, Sutro notified the Community College that a senior DTV lessee on the Mt. Sutro broadcast tower that shares transmission line and an antenna with KCSM-DT for their digital signals would be maximizing its power. Sutro stated further that, as required under its tower lease agreement, KCSM-DT would have to temporarily reduce power by approximately 50 percent so the senior DTV lessee, KCNS-DT, San Francisco, California, could maximize its power. However, Sutro stated KCSM-DT could return to full-power

² See File No. BPEDT-19990930AAR.

³ See Amendment of Section 73.202(b), Table of Allotments, Digital Television Broadcast Stations (San Mateo, CA), MB Docket No. 02-84, DA 02-1668, released July 19, 2002.

⁴ See File No. BPEDT-20021002AAG. The construction permit was extended one time. See BEPEDT-20030221AAI.

⁵ See BLEDT-20030822AFZ.

⁶ The Community College has filed a Request for Special Temporary Authority ("STA") for KCSM-DT to temporarily operate at reduced power while its tower owner reconfigures the tower's antenna system. *See* File No. BEDSTA-20060630 (pending).

⁷ Suitable tower space for a television station in the San Francisco market is extremely difficult to find, and the Community College was very fortunate to be able to negotiate a tower space lease agreement with Sutro.

operation, as soon as Sutro completed reconfiguration of the antenna system on its tower to accommodate both KCNS-DT's maximized operation and KCSM-DT's licensed operation.

As required under its tower lease, at the end of January 2006, KCSM-DT reduced power by approximately 50 percent, so KCNS-DT could maximize its broadcast operation. However, as demonstrated in the engineering statements of Hammet & Edison, Inc. attached hereto as Exhibit I, and the technical statement of KCSM Director of Technology Michele Muller attached hereto as Exhibit II, KCSM-DT continues to provide DTV City Grade (48.4) dBu) coverage over 11,372 square kilometers (only 1,487 square kilometers less than it did operating at full power) and to 6,392,976 persons (only 209,654 fewer persons than it did operating at full power). KCSM-DT also currently provides DTV Threshold (41.4 dBu) coverage over 14,722 square kilometers (only 2,019 square kilometers less than it did operating at full power) and to 6,697,678 persons (only 142,213 persons less than it did operating at full power).8 Thus, while KCSM-DT has temporarily reduced power by approximately 50 percent, its current coverage under its STA has only diminished slightly from its licensed coverage area. Regardless, the Community College - a nonprofit, publicly supported, educational institution - has invested huge amounts of the public's money and the Community College's manpower to construct and operate KCSM-DT's full-power, licensed facilities, and neither it, nor its supporters or viewers can afford to lose any of the college's investment in, or interference protection of, the fully licensed facilities.

As soon as Sutro completes the reconfiguration of the antenna system on its tower, KCSM-DT will return to its full-power operation, as specified in its license. The Community College is pressing Sutro to complete the antenna system reconfiguration as soon as possible.

<u>KCSM-DT's Waiver Request Should Be Granted</u>. As stated in the Second Periodic Review R&O, July 1, 2006 is the deadline for noncommercial DTV licensees, such as KCSM-DT, and certain other DTV licensees to construct and operate their digital facilities in order to retain interference protection within their certified service areas. ⁹ Specifically,

Those licensees that receive a tentative DTV channel designation in the channel election process on their current digital channel must construct full, authorized DTV facilities. Those licensees that receive a tentative DTV channel designation on a channel that is not their current DTV channel must serve at

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⁸ See Exhibit I and Exhibit II, attached hereto.

⁹ See Second Period Review R&O, § 78; see, also, DTV Channel Election Issues – Compliance with the July 1, 2006 Replication/Maximization Interference Protection Deadline; Stations Seeking Extension of the Deadline, Public Notice, DA 06-1255, released June 14, 2006 (the "July 1 Deadline Public Notice").

least 80 percent of the number of viewers served by the 1997 facility on which their replication coverage was based. 10

"The term 'full, authorized DTV facilities' refers to the facilities certified by the licensee on FCC Form 381, Digital Channel Election Pre-Election Certification Form." ¹¹

On September 7, 2004, the day the Second Period Review R&O was released, KCSM-TV's DTV channel designation was Channel 43 – the same channel that is listed for KCSM-DT in the "DTV Tentative Channel Designations for the First Round of DTV Channel Elections" and the same DTV channel on which its digital facilities were fully constructed, licensed, and had been operating at full power for approximately 20 months, until the station was required to reduce power due to reasons beyond its control. Further, the Community College constructed the same facilities as to which it certified on its Form 381 Pre-Election Certification Form. Therefore, the Community College has complied with the Commission's stated mandate in it its Second Periodic Review R&O, "to speed the transition [to digital television] and to ensure that the spectrum is used efficiently" and to construct and operate fully licensed digital facilities by July 1, 2006. The Community College is filing the request for waiver of the July 1, 2006 deadline, because it is *temporarily* not utilizing its fully

¹⁰ Second Period Review R&O, ¶ 78.

¹¹ July 1 Deadline Public Notice, page 2 (citing Second Period Review R&O, ¶ 41, and FCC Form 381).

¹² See Tentative Channel Designations for Stations Participating in the First Round of DTV Channel Elections and Second Round Election Filing Deadline, Public Notice, DA 05-2649, released October 4, 2005, Attachment I.

As discussed in note 7 *supra*, the Community College is extremely fortunate to have been able to negotiate a tower site lease for KCSM-DT, given the lack of available tower space for television stations in the San Francisco market. The Community College negotiated the best agreement it could with Sutro, the tower owner and manager, and acceptance of the provision that requires KCSM-DT to reduce power in order to allow certain senior lessees to maximize their digital television facilities was a provision that the Community College had to accept in order to be allowed to construct KCSM-DT's facilities at the Mt. Sutro site. In fact, that provision is a standard provision in Sutro's lease for the Mt. Sutro broadcast tower. Therefore, under the circumstances, KCSM-DT had no choice but to temporarily reduce power when KCNS-DT maximized and while Sutro reconfigures the antenna system.

¹⁴ See File No. BCERET-20041104ASB (certifying that it neither replicated nor maximized, but will operate its post-transition DTV station pursuant to BLEDT-20030822AFZ).

¹⁵ See Second Periodic Review R&O, ¶ 78.

constructed and licensed digital facilities, while the owner of its tower reconfigures the antennas on the tower. Importantly, this waiver request is also filed in order to ensure that KCSM-DT retains its digital interference protection that was obtained through its current licensed digital facilities.

Under the circumstances, the San Mateo Community College District respectfully requests a waiver of the July 1, 2006 "use it or lose it" deadline.

Respectfully requested,

Richard F. Swift

and

To vinige

Counsel to the San Mateo
Community College District

Attachments kmw/43300p.004.doc

EXHIBIT I



WILLIAM F. HAMMETT, P. E.
DANE E. ERICKSEN, P.E.
STANLEY SALEK, P.E.
ROBERT D. WELLER, P.E.
MARK D. NEUMANN, P.E.
ROBERT P. SMITH, JR.
RAJAT MATHUR
ROBERT L. HAMMETT, P.E.
1920-2002
EDWARD EDISON, P.E.

BY E-MAIL MICHELE MULLER@KCSM.NET

January 10, 2006

Ms. Michele Muller Chief Engineer Stations KCSM-TV/KCSM-DT College of San Mateo 1700 West Hillsdale Boulevard San Mateo, California 94402

Dear Michele:

As you requested, attached are maps comparing the predicted coverage for the licensed, 536 kW ERP (DA) KCSM-DT, D43, Sutro Tower facilities versus the predicted coverage that would result if KCSM-DT were to go to half-power (268 kW ERP (DA)). You explained that two other stations share the combiner that KCSM-DT uses: KCNS-DT, D39, San Francisco, and KTVU-DT, D56, Oakland. You further explained that KCNS-DT has advised that it wishes to go to full power, however, because of the limited power handling capability of the D39/D43/D56 combiner, this would require KCSM-DT to reduce its transmitter power output (TPO) from 20.4 kW to 10.2 kW. I note that KCNS-DT has Special Temporary Authority (STA) for 468 kW ERP, and a construction permit (CP) for 1,000 kW ERP (DA). Thus, KCNS-DT is authorized to more than double its present power.

Population counts (2000 Census) and land areas for the licensed KCSM-DT facilities are as follows:

Projection	"DTV Threshold + 20 dB	" "DTV City Grade"	"DTV Threshold"
Method	61.4 dBu	48.4 dBu	41.4 dBu
FCC		12,859 sq. km 6,602,630 persons	16,741 sq. km 6,839,891 persons
TIREM	5,690 sq. km	9,178 sq. km	12,002 sq. km
	5,310,730 persons	5,977,105 persons	6,581,965 persons
OET-69			6,044 sq. km 5,424,732 persons

If the KCSM-DT power is reduced to 10.2 kW TPO/268 kW ERP (DA), the population counts and land areas would be as follows:

Projection	"DTV Threshold + 20 dE	3" "DTV City Grade"	"DTV Threshold"
Method	61.4 dBu	48.4 dBu	41.4 dBu
FCC		11,501 sq. km 6,422,331 persons	14,888 sq. km 6,702,154 persons
TIREM	5,255 sq. km	7,960 sq. km	10,900 sq. km
	5,204,841 persons	5,755,195 persons	6,283,080 persons
OET-69			5,480 sq. km 5,313,054 persons

We discussed whether KCSM-TV should ask for an STA for the half-power operation, or file an application for CP, to permanently reduce its power. If the plan is to eventually substitute a higher power combiner, one that would allow all three stations to operate at full power, then an STA request would clearly be appropriate. But, if there are no plans to install a higher power combiner, I don't see how the FCC would allow KCSM-DT to operate at half power for the next three years (until the expected end of the transition period, in February 2009) on an STA which would have to be renewed every six months. Of course, at the end of the transition period, when out-of-core KTVU-DT DTV Channel 56 would disappear, the existing combiner should then be capable of accommodating the remaining in-core stations, KCNS-DT and KCSM-DT, at full-power.

If you don't want to go the CP route at this time, an intermediate approach would be to go the STA route, and see how long the Commission can be convinced to keep renewing the half-power STA. If the FCC finally puts its foot down and says that a CP application has to be filed KCSM-DT can then decide how it wants to proceed.

We appreciate the opportunity to be of service and would welcome any questions on the enclosed material. Please call us if we can be of further assistance.

Sincerely,

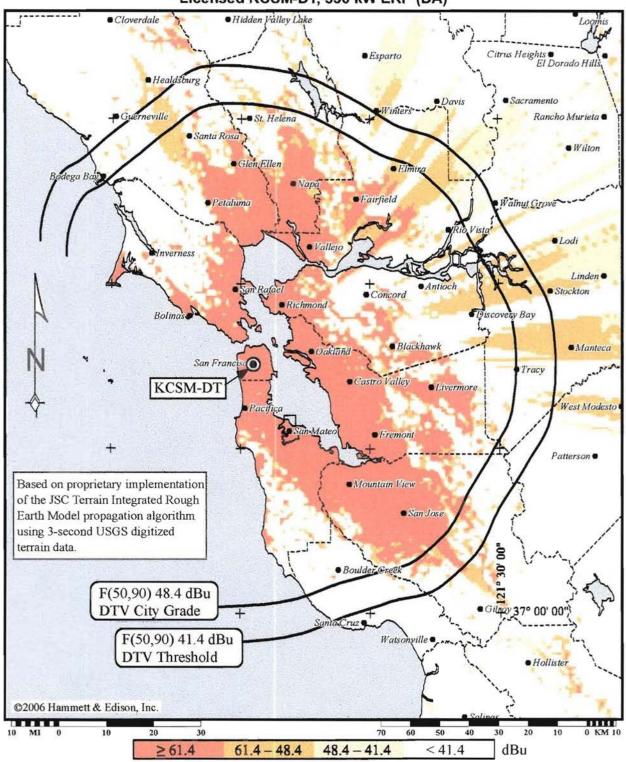
Dane E. Ericksen

tm

Enclosures

cc: Ms. Marilyn Lawrence (w/encls.) - BY E-MAIL MARILYN_LAWRENCE@KCSM.NET Mr. Don Hackler (w/ encls.) - BY E-MAIL DONH@KCSM.NET Margaret Tobey, Esq. (w/ encls.) - BY E-MAIL MTOBEY@MOFO.COM

FCC Contours and Terrain-Sensitive Coverage Licensed KCSM-DT, 536 kW ERP (DA)



Lambert conformal conic map projection. Map data taken from Sectional Aeronautical Charts, published by the National Ocean Survey. Geographic coordinate marks shown at 30-minute increments. City limits shown taken from U.S. Census Bureau TIGER/Line 2000 data.



HAMMETT & EDISON, INC.

CONSULTING ENGINEERS
SAN FRANCISCO

OET-69 Coverage Study for Licensed KCSM-DT: 536 kW ERP (DA) Error Code 3 Ignored, Actual Elevation Pattern, and Correctly Calculated Depression Angles

OET-69 Coverage Analysis, 2000 Census tvstudy v3.2.3

This interference study is based on 1.00×1.00 kilometer cells and terrain profiles with 10.0 points per kilometer. FCC processing using these finer-resolution parameters is hereby requested, pursuant to the Commission's August 10, 1998, Public Notice, "Additional Applications Processing Guidelines for DTV."

Longley-Rice errors ignored

Station record parameters:

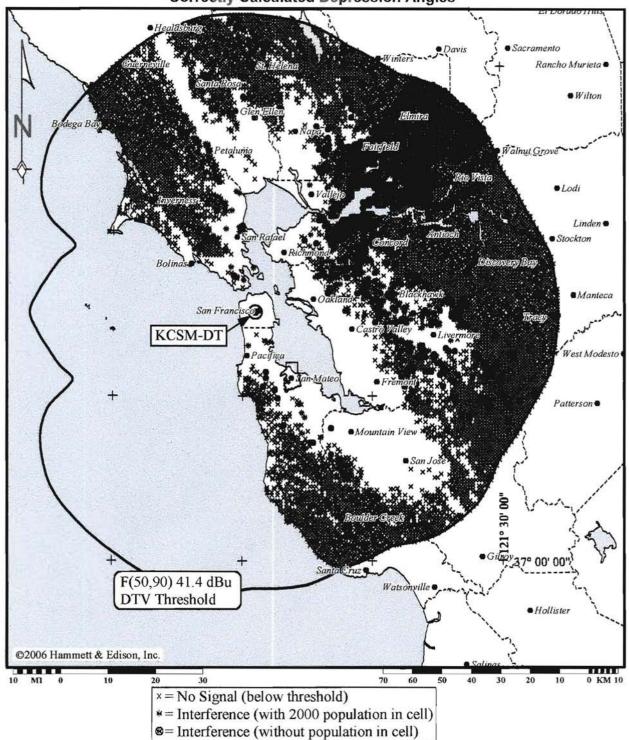
Station record parameters:			
	Modified	Original	
Station:	D43 KCSM-DT LIC	D43 KCSM-DT LIC	
City:	SAN MATEO, CA	SAN MATEO, CA	
Facility ID:	58912	58912	
Coordinates:	N 37-45-19.0	N 37-45-19.0	
	W 122-27-06.0	W 122-27-06.0	
Height AMSL:	459.2 m	459.2 m	
Maximum ERP:	536 kW	536 kW	
Azimuth pattern:	DIE-TUP-C3-8-1	DIE-TUP-C3-8-1	
Orientation:	0.0	0.0	
Elevation pattern:	kcsmD43elv.pat	OET-69 generic	
Electrical tilt:	0.30		
Service level:	41.4 dBu	41.4 dBu	

		Tot	al IX	Uniqu	ie IX
Interfering sta	ation	Area,km2	Population	Area, km2	Population
D43 000717AB	GNT SACRAMENTO, CA	1341.4	176,167	503.1	109,690
D43 KHSL-TV (CP CHICO, CA	856.0	121,264	40.5	4,433
N42z KTNC-TV I	JIC CONCORD, CA	970.7	308,147	242.2	177,307
N43z KGMC CP	CLOVIS, CA	338.1	47,898	36.6	6,815
N44- KBHK-TV I			3,099	11.9	3,099
Service conditi	ons Area,km2 F	Population			

Service conditions	Area,km2	Population
Noise-limited service	16941.5	6,835,784
Terrain-limited service	7782.3	5,865,735
Interference-free service	6043.6	5,424,732

Note: The results of the OET-69 algorithm are dependent on the use of computer databases and complex software algorithms, which may vary between computer platforms and installations. Also, while Hammett & Edison, Inc. endeavors to follow official releases and established precedents on the matter, FCC policy on DTV analysis methods changes from time to time. Thus, the results of OET-69 interference and coverage studies are subject to change and may differ from FCC results.

OET-69 Coverage Study for Licensed KCSM-DT: 536 kW ERP (DA) Error Code 3 Ignored, Actual Elevation Pattern, and Correctly Calculated Depression Angles



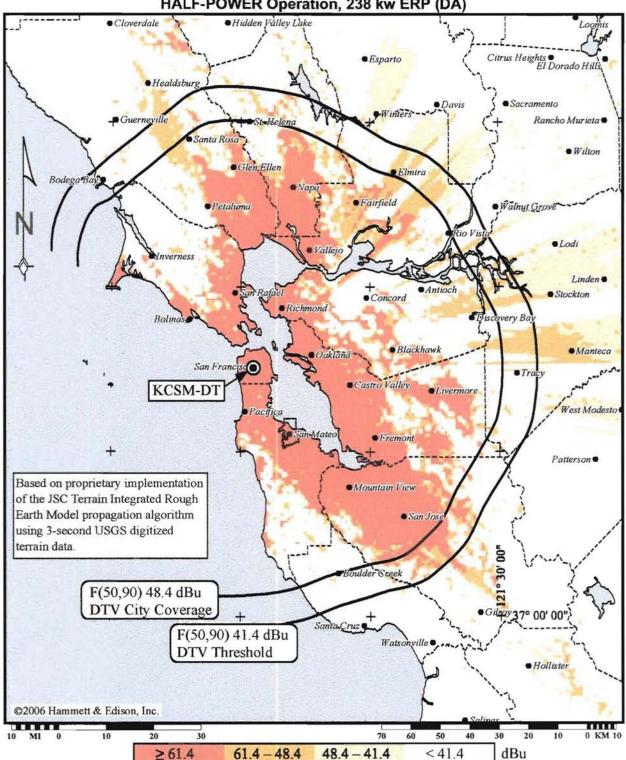
Lambert conformal conic map projection. Map data taken from Sectional Aeronautical Charts, published by the National Ocean Survey. Geographic coordinate marks shown at 30-minute increments. City limits shown taken from U.S. Census Bureau TIGER/Line 2000 data.



HAMMETT & EDISON, INC.

CONSULTING ENGINEERS SAN FRANCISCO

FCC Contours and Terrain-Sensitive Coverage HALF-POWER Operation, 238 kw ERP (DA)



Lambert conformal conic map projection. Map data taken from Sectional Aeronautical Charts, published by the National Ocean Survey. Geographic coordinate marks shown at 30-minute increments. City limits shown taken from U.S. Census Bureau TIGER/Line 2000 data.



OET-69 Coverage Study for Half-Power KCSM-DT: 268 kW ERP (DA) Error Code 3 Ignored, Actual Elevation Pattern, and Correctly Calculated Depression Angles

OET-69 Coverage Analysis, 2000 Census tystudy v3.2.3

This interference study is based on 1.00 x 1.00 kilometer cells and terrain profiles with 10.0 points per kilometer. FCC processing using these finer-resolution parameters is hereby requested, pursuant to the Commission's August 10, 1998, Public Notice, "Additional Applications Processing Guidelines for DTV."

Longley-Rice errors ignored

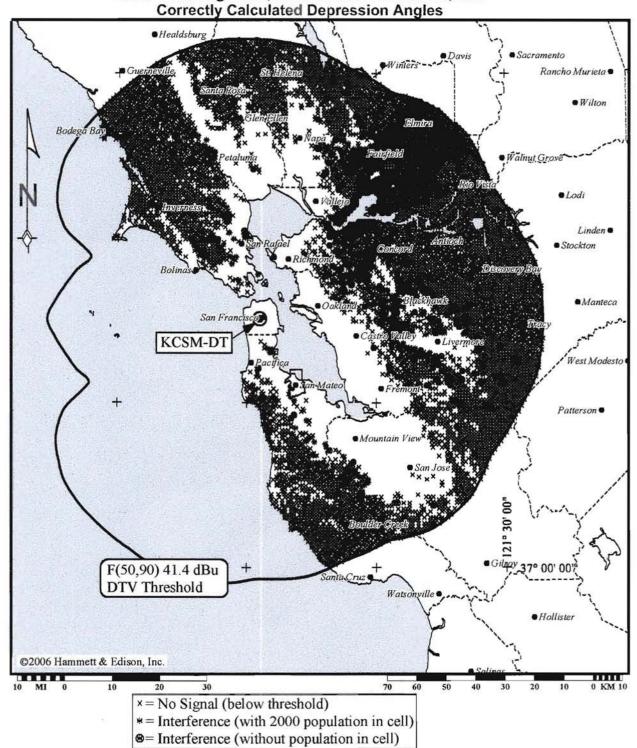
Station record parameters:

Total I dodn't parameter.			
	Modified	Original	
Station:	D43 KCSM-DT HALF POWER	D43 KCSM-DT LIC	
City:	SAN MATEO, CA	SAN MATEO, CA	
Facility ID:	58912	58912	
Coordinates:	N 37-45-19.0	N 37-45-19.0	
	W 122-27-06.0	W 122-27-06.0	
Height AMSL:	459.2 m	459.2 m	
Maximum ERP:	268 kW	536 kW	
Azimuth pattern:	DIE-TUP-C3-8-1	DIE-TUP-C3-8-1	
Orientation:	0.0	0.0	
Elevation pattern:	kcsmD43elv.pat	OET-69 generic	
Electrical tilt:	0.30		
Service level:	41.4 dBu	41.4 dBu	

				al IX	Uniqu	
Inter	fering station					Population
D43 D43 N42z N43z N44-	000717AB GNT KHSL-TV CP KTNC-TV LIC KGMC CP KBHK-TV LIC	SACRAMENTO, CA CHICO, CA CONCORD, CA CLOVIS, CA SAN FRANCISCO,	988.5 591.1 779.0 310.4 CA 20.8	138,450 77,362 280,035 95,791 2,586	177.9 19.8	65,320 1,258 134,238 8,846 1,544
Service conditions Area,km2 Population Noise-limited service 15076.9 6,716,989 Terrain-limited service 6789.1 5,677,131 Interference-free service 5480.3 5,313,054						

Note: The results of the OET-69 algorithm are dependent on the use of computer databases and complex software algorithms, which may vary between computer platforms and installations. Also, while Hammett & Edison, Inc. endeavors to follow official releases and established precedents on the matter, FCC policy on DTV analysis methods changes from time to time. Thus, the results of OET-69 interference and coverage studies are subject to change and may differ from FCC results.

OET-69 Coverage Study for Half-Power KCSM-DT: 268 kW ERP (DA)
Error Code 3 Ignored, Actual Elevation Pattern, and



Lambert conformal conic map projection. Map data taken from Sectional Aeronautical Charts, published by the National Ocean Survey. Geographic coordinate marks shown at 30-minute increments. City limits shown taken from U.S. Census Bureau TIGER/Line 2000 data.



SAN FRANCISCO



WILLIAM F. HAMMETT, P. E. DANE E. ERICKSEN, P.E. STANLEY SALEK, P.E. ROBERT D. WELLER, P.E. MARK D. NEUMANN, P.E. ROBERT P. SMITH, JR. RAJAT MATHUR Consultants to the Firm ROBERT L. HAMMETT, P.E. EDWARD EDISON, P.E.

BY E-MAIL MICHELE_MULLER@KCSM.NET

June 23, 2006

Ms. Michele Muller Chief Engineer Stations KCSM-TV/KCSM-DT/KCSM(FM) College of San Mateo 1700 West Hillsdale Boulevard San Mateo, California 94402

Dear Michele:

In response to your request, attached are an updated Technical Summary page and updated coverage maps for KCSM-DT, D43, San Mateo, California, operating with a transmitter power output of 9.50 kW at Sutro Tower. This TPO results in an effective radiated power (ERP) of 250 kW, as follows:

9.50 kW TPO =	9.78 dBk
45.1 m of 6-inch line from TX to combiner	-0.20 dB
Combiner loss at D43	-0.14 dB
237.1 m of 6-inch line from combiner to transmitting antenna	-1.03 dB
DTV community panel antenna gain at D43	15.58 dBd
ERP	23.99 dBk = 250 kW

The predicted areas and populations (2000 U.S. Census) served are as follows:

Method	61.4 dBu Th + 20 dB	48.4 dBu DTV City Grade F(50,90)	41.4 dBu DTV Threshold F(50,90)
FCC curves		6,392,976 persons 11,372 sq. km	6,697,678 persons 14,722 sq. km
TIREM	5,185,290 persons 5,206 sq. km	5,738,485 persons 7,858 sq. km	6,259,538 persons 10,799 sq. km
OET-69			5,305,678 persons 5,441 sq. km

Ms. Michele Muller, page 2 June 23, 2006

We appreciate the opportunity to be of service and would welcome any questions on the enclosed material. Please call us if we can be of further assistance.

Sincerely yours,

Dane E. Ericksen

tm

Enclosures

cc: Ms. Marilyn Lawrence (w/ encls.) - BY E-MAIL MARILYN_LAWRENCE@KCSM.NET Mr. Don Hackler (w/ encls.) - BY E-MAIL DONH@KCSM.NET

Engineering Specifications of Constructed DTV Operation (SUPPLEMENTAL SUMMARY FOR STATION RECORDS)

A. Tower

FCC Tower Registration No.

(3-second terrain data, 24-radial average)

1001289

Sutro Tower, 1 La Avanzada Street, San Francisco, San Francisco County, California

	,	,	J /
	Geographical Coordinates	source: NAD83 37° 45' 19.0" N	derived: NAD27 37° 45' 19.3" N
		122° 27' 10.0" W	122° 27' 06.1" W
	Elevation of site above mean sea level		254.2 m
	Overall tower height above ground level Overall tower height above mean sea level		297.7 m 551.9 m
B.	Effective Heights		
	Height of radiation center above ground lev Height of radiation center above mean sea l		205 m 459 m
	Height of average terrain above mean sea le Height of radiation center above average ter		31 m 428 m

C. Antenna System

Make/model	Dielectric, Type TUP-C3-8-1	directional panel array
Polarization		horizontal
Electrical beam tilt Mechanical down t		0.3° none
Transmission line	6 ¹ /8-inch rigid coaxial	282.2 m*

D. Operation

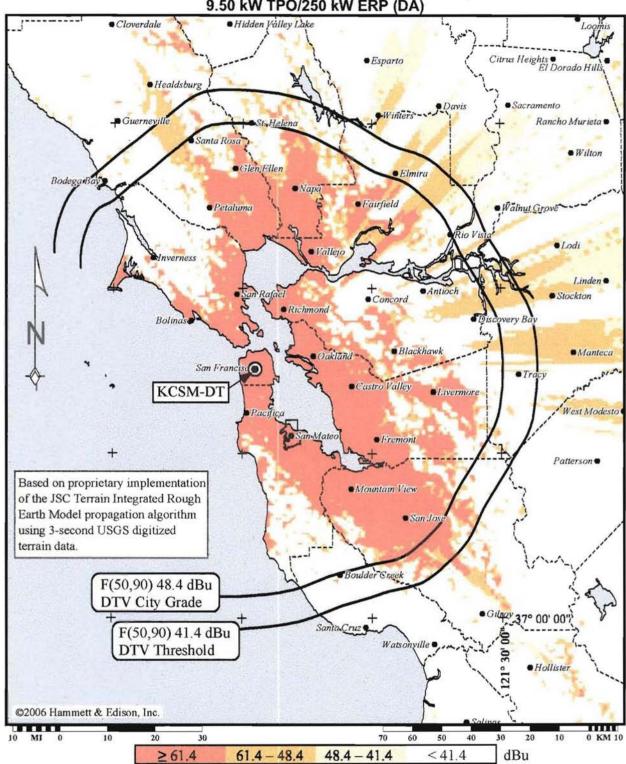
Frequency (mid-channel)	647 MHz
Transmitter power output Combiner efficiency Transmission line efficiency	9.50 kW 96.8% 75.3%
Maximum antenna gain Maximum effective radiated power	36.14 250 kW

Consisting of a 45.1-meter length from the KCSM-DT transmitter to the combiner input, then a 237.1-meter length from the combiner to the community DTV antenna below Level 6.



HAMMETT & EDISON, INC. CONSULTING ENGINEERS SAN FRANCISCO

FCC Contours and Terrain-Sensitive Coverage 9.50 kW TPO/250 kW ERP (DA)



Lambert conformal conic map projection. Map data taken from Sectional Aeronautical Charts, published by the National Ocean Survey. Geographic coordinate marks shown at 30-minute increments. City limits shown taken from U.S. Census Bureau TIGER/Line 2000 data.



OET-69 Coverage Study for KCSM-DT at 9.50 kW TPO/250 kW ERP (DA) Error Code 3 Ignored, Actual Elevation Pattern Used, and Depression Angles Correctly Calculated

OET-69 Coverage Analysis, 2000 Census tvstudy v3.2.9

This interference study is based on 1.00×1.00 kilometer cells and terrain profiles with 10.0 points per kilometer. FCC processing using these finer-resolution parameters is hereby requested, pursuant to the Commission's August 10, 1998, Public Notice, "Additional Application Processing Guidelines for DTV."

Longley-Rice errors ignored

Station record parameters:

-	Modified	Original
Station:	D43 KCSM-TV LIC	D43 KCSM-TV LIC
City:	SAN MATEO, CA	SAN MATEO, CA
Facility ID:	58912	58912
Coordinates:	N 37-45-19.0	N 37-45-19.0
	W 122-27-06.0	W 122-27-06.0
Height AMSL:	459.2 m	459.2 m
Maximum ERP:	250 kW	536 kW
Azimuth pattern:	kcsmD43az.pat	DIE-TUP-C3-8-1
Orientation:	0.0	0.0
Elevation pattern:		OET-69 generic
Electrical tilt:	0.30	
Service level:	41.4 dBu	41.4 dBu

		Total IX		Unique IX	
Interfering stati	on	Area,km2	Population	Area,km2	Population
D43 000717AB GN	SACRAMENTO, CA	973.7	136,008	391.5	67,273
D43 KHSL-TV LIC	CHICO, CA	548.6	68,013	19.8	634
N42z KTNC-TV LIC	CONCORD, CA	788.8	271,773	197.7	134,402
N43z KGMC CP	CLOVIS, CA	307.4	100,548	30.6	12,518
N44- KBHK-TV LIC	SAN FRANCISCO, CA	13.8	8,096	11.9	7,100

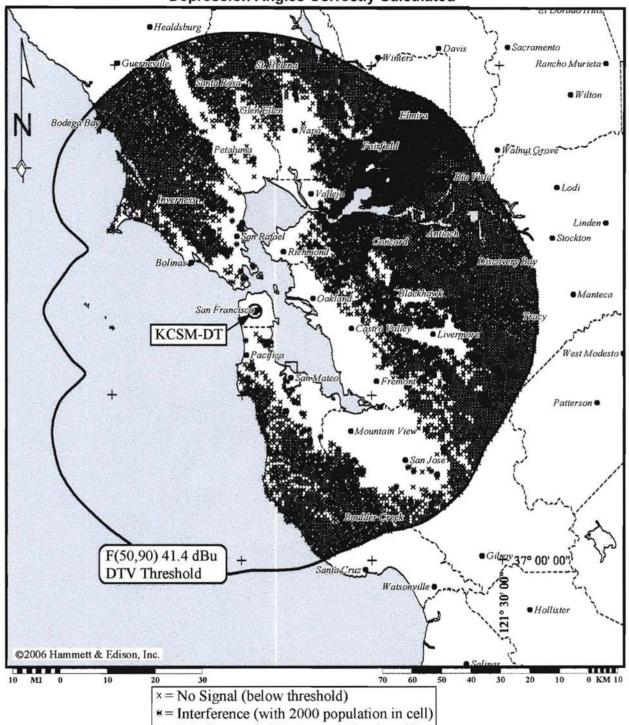
Service conditions	Area,km2	Population	
Noise-limited service	14907.9	6,712,624	
Terrain-limited service	6747.6	5,668,634	
Interference-free service	5440.8	5,305,678	

Note:

The results of the OET-69 algorithm are dependent on the use of computer databases and complex software algorithms, which may vary between computer platforms and installations. Also, while Hammett & Edison, Inc. endeavors to follow official releases and established precedents on the matter, FCC policy on DTV analysis methods changes from time to time. Thus, the results of OET-69 interference and coverage studies are subject to change and may differ from FCC results.



OET-69 Coverage Map for KCSM-DT at 9.50 kW TPO/250 kW ERP (DA) Error Code 3 Ignored, Actual Elevation Pattern Used, and Depression Angles Correctly Calculated



Se= Interference (without population in cell)

Lambert conformal conic map projection. Map data taken from Sectional Aeronautical Charts, published by the National Ocean Survey. Geographic coordinate marks shown at 30-minute increments. City limits shown taken from U.S. Census Bureau TIGER/Line 2000 data.



SAN FRANCISCO

EXHIBIT II





KCSM D-43 went on the air at full licensed power in May 2004. Its transmission facilities are at Sutro Tower, Inc. in San Francisco, California. KCSM DT-43 is licensed for 536kW. It is now requesting an STA to operate at reduced power.

KCSM was requested by the Sutro Tower transmission site manager to reduce power to 250kW. This was done to accommodate station KCNS, which had applied for and was granted permission from the FCC to increase its power, in order to comply with the FCC's Maximization Rule.¹

KCSM and KCNS, along with KTVU, share transmission line and an antenna for their digital signals. Since KCSM was the last station to join the Sutro Tower facility, its lease agreement requires it to reduce power if either of the pre-existing stations increases power. This is so that the maximum power rating of the transmission line and antenna is not exceeded.

KCSM is concerned that in a crowded broadcast environment such as the San Francisco Bay Area (it is the sixth largest DMA) its interference protection rights must be closely guarded. Because KCSM has been successfully on the air at 536kW for almost 20 months – and its reduction in power has resulted in a small loss in the square kilometers and numbers of persons served, as detailed in the attached engineering statement of Hammett & Edison, Inc. – it has established an expectation of service in its coverage area, which must be preserved. Further, several cable companies utilize the KCSM over-the-air digital signal for retransmission. As other stations come on the air at full power – especially since channel 43, KCSM-DT's digital channel, is available in the nearby Sacramento area, KCSM is concerned that it will face interference from these other stations and a precedent will have been set such that when KCSM returns to full power, it will be viewed as the offending station and will be forced to curtail its ERP to accommodate stations that came on the air after KCSM established a full power digital station.

Sutro Tower, Inc. has stated that it is reconfiguring its facility to allow all stations to operate at full licensed power. It is likely that KCSM-DT will be compelled to operate with reduced power until this reconfiguration is completed. However, as noted above, the attached engineering statement of Hammett & Edison demonstrates that even with reduced power, KCSM-DT will continue to serve nearly all of its licensed area.

KCSM must, therefore, request an STA to operate at reduced power until such time as the transmission site facility can again accommodate its full power rating. KCSM will resume operation at full power as soon as Sutro Tower reconfigures the new facility and KCSM-DT is cleared for full-power operation.

Submitted by Michele I. Muller KCSM Director of Technology June 26, 2006

¹ KCSM-DT reduced power in January 2006 but it inadvertently forgot to file an STA request until its counsel alerted it about the July 1, 2006 "use it or lose it" deadline.

CERTIFICATION AND DECLARATION OF MICHELE I. MULLER

- I, Michele I. Muller, hereby declare and certify under the penalty of perjury, the following:
- 1. All parties to the instant request for waiver of the Commission's digital "use it or lose it" July 1, 2006 deadline are in compliance with Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862, the federal law which provides federal and state court judges the discretion to deny federal benefits to individuals convicted of offenses consisting of the distribution of controlled substances. For a definition of "party" for these purposes, see 47 C.F.R. Section 1.2002(b). See also Amendment of Part 1 of the Commission's Rules to Implement Section 5301 of the Anti-Drug Abuse Act of 1988, 6 FCC Rcd 7551, 57 Fed. Reg. 00186 (1991).
- 2. No party to the instant request for waiver is subject to a denial of federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. 862. For the definition of a party for these purposes, see 47 C.F.R. Section 1.2002(b).
- 3. The statements made in the instant request for waiver are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

Michele I. Muller

KCSM Director of Technology

Michel Indhille

June 29, 2006